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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,144	06/29/2001	Shari Gharavy	85160.922	5432

33438 7590 03/12/2007
HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/896,144

Applicant(s)

GHARAVY, SHARI

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-23 and 25-51 is/are pending in the application.
- 4a) Of the above claim(s) 2,9,11,12,15-23,25,26 and 34-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10,13,14 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's December 6, 2007 REMARKS have been reviewed. The previous rejection is withdrawn pursuant thereto.
2. Claims 1, 3-6, 10, 13, 14 and 23-37 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 11, 2006 and December 22, 2005.

Claim Rejections - 35 USC § 103

3. Claims 2, 9, 11, 12, 15-23, 25, 26 and 34-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al., US 7,133,845.

Ginter discloses a computer system, e.g. 508, 600, of one or more product distributors, e.g. 106, obtaining a set of credential information and validating such, e.g. 602, via rules, e.g. 102, Fig. 2, 2A, and data, e.g. col. 15, lines 13-37, eligibility requirements, e.g. col. 23-24, lines 39-29, col. 45, lines 3-15. Ginter does not specifically disclose product distribution transactions or extensible markup language (xml) format. However, Ginter does disclose the VDE digital distribution transaction system. Official Notice is taken that product distribution transactions associated with credential information has been common knowledge in the commercial transaction art, as is using the xml format. To have provided such for Ginter would have been obvious to one of ordinary skill in the art.

Koppelman discloses, e.g. Figs. 3-7, a computer system comprising obtaining/storing loading credential information, e.g. recipient data information, and rule data, e.g. allocation rules, and product distribution transactions, e.g. processing each sales transaction. Koppelman does not disclose collectively performing validation of credential information. However, to Koppelman discloses the information is gathered and used to determine the appropriate compensation due each individual or sales team. Nonetheless, Official Notice is taken that collectively performing validation of credential information in the data base art has been common knowledge in the art. To have collectively performed validation of credential information for Koppelman would have been obvious to one of ordinary skill in the art. The motivation for doing such would have been that validating gathered information has been common knowledge in the database art.

Applicant's May 11, 2006 REMARKS have been reviewed, but are moot in light of the new grounds of rejection.

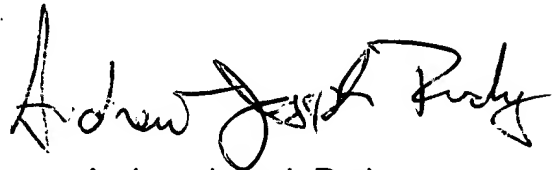
5. Further pertinent references of interest are noted on the attached PTO-892.
6. Applicant's June 8, 2006 Information Disclosure Statement has been reviewed. However, the three "OTHER ART" from sheet 1 of 3 were not provided and/or scanned by the USPTO and thus not reviewed.

Art Unit: 3627

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is fluid and cursive, with the first name "Andrew" being the most prominent.

Andrew Joseph Rudy
Primary Examiner
Art Unit 3627